

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ALAN GOLDMAN

Plaintiff

V

McCONNELL VALDES, LLC;
ANTONIO A. ARIAS-LARCADA, ET AL

Defendants

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CIVIL NO.: 24CV01136

**PLAINTIFF, ALAN GOLDMAN'S MOTION REQUESTING AN ORDER TO MODIFY PREVIOUS
COURT ORDER (DOCUMENT NUMBER 84)**

TO THE HONORABLE MAGISTRATE JUDGE MORGAN:

COMES NOW Plaintiff, Alan B. Goldman, by and through his undersigned counsel, and respectfully moves this Honorable Court to modify its recent Order entered as Document Number 84. In support thereof, Plaintiff states as follows:

I. RELEVANT BACKGROUND

1. On January 29, 2025, this Honorable Court issued an Order setting an Initial Scheduling and Settlement Conference to be held on February 27, 2025, at 9:30 a.m., and ordered the parties to be prepared to discuss the possibility of settlement, and directing the Plaintiff to submit his settlement demand letter at least five (5) days prior to said conference.
2. Plaintiff, Goldman has made substantial financial investments in obtaining expert evaluations, including reports from two law professors, and has retained two real estate appraisers to provide real estate appraisals reports of the subject real property that is relevant to this case, so that Plaintiff can be in the position to provide a well-supported and equitable settlement demand letter.

3. However, Plaintiff's undersigned counsel has encountered significant delays in completing our due diligence, due to the Defendants' lack of cooperation. Specifically, on December 11, 2024, Plaintiff's undersigned counsel forwarded to Mr. Manuel San Juan, who is Defendants, Antonio Arias-Larcada and Ms. Beale's, counsel of record, the duly signed Non-Disclosure Agreement that has been required by the current owner of said real property, prior to said owner allowing the property appraisers to have access to said real property. Please see: Exhibit 1.
4. On January 10, 2025, the undersigned counsel sent another follow-up email transmission, but again, the response was "No news about the NDA." Please see: Joint Exhibit 2.
5. Unfortunately, Defendants have failed to execute this necessary document, thereby hindering the parties' respective expert appraisers to render their real property valuation reports, which are particularly critical or crucial to the Plaintiff's case in chief, or for any settlement consideration.
6. Additionally, all the Defendants have failed to respond to the Plaintiff's initial discovery requests which were duly served on October 2, 2024. Specifically, on October 2, 2024, the Plaintiff's first set of interrogatories and request for production of documents were notified to Defendants McConnell Valdes, LLC, Antonio Arias Larcada and María Beale.
7. On January 23, 2025, the Plaintiff's second request for production of documents were notified to defendants McConnell Valdes, LLC and Antonio Arias Larcada; the Plaintiff's first request for production of documents were notified to Defendant María Beale; the Plaintiff's first request for admissions were notified to Defendants McConnell Valdes, LLC, Antonio Arias Larcada and María Beale.

8. This obstructive conduct further limits the Plaintiff's ability to construct a precise and justified settlement proposal.
9. In contrast, Plaintiff has dutifully responded to the Defendants' multiple interrogatories and requests for production of documents, without any objections being submitted by the various law firms representing the Defendants.

II. BASIS FOR MODIFICATION OF THE COURT'S ORDER

10. The delay caused by the Defendants' failure to execute critical documents has materially impaired the Plaintiff's ability to provide a duly substantiated settlement demand letter, as required by the Court's Order.
11. Furthermore, Defendants recently filed their counterclaim, which the Plaintiff respectfully asserts is frivolous, malicious and an abuse of process. The Plaintiff's motion to dismiss said counterclaim is pending and the Plaintiff anticipates seeking leave to amend the complaint to include additional claims for malicious prosecution and abuse of process.
12. Plaintiff, Goldman is an elderly and infirm individual, who holds and/or controls over 80% of the developable land and approximately 14% of the total land mass of the Capital City of Montpelier, Vermont. Given the ongoing housing crisis and Plaintiff's direct involvement in the ongoing legislative efforts, both at the municipal and state levels, the Plaintiff needs to be presently engaged in the ongoing critical discussions and initiatives related to the upcoming local elections on March 4, 2025.
13. If granted, the requested adjournment of the Court hearing will allow:
 - Plaintiff's experts to conduct the necessary appraisals and assessments, enabling Plaintiff to present a justified and substantiated settlement demand letter;

- Allow the Defendants' counsel an opportunity to cure their procedural deficiencies, and to comply with Defendants' outstanding discovery obligation;
- The parties to resolve procedural disputes concerning Defendants' counterclaims and Plaintiff's anticipated amendments to the complaint; and
- Plaintiff to fulfill his commitments to the governmental proceedings in Vermont without undue interference from the pending legal malpractice litigation.

III. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, Alan Goldman respectfully requests from this Honorable Court to modify its Order (Document Number 84) as to adjourn and/or reset the Initial Scheduling and Settlement Conference from February 27, 2025, to March 27, 2025, or to such later date as the Court may deem to be just and proper, in the interest of judicial efficiency and fairness, and to grant any other remedy that this Court deems to be just and proper.

RESPECTFULLY SUBMITTED.

In Miami, Florida, on the 3rd day of February 2025.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 3rd day of February 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

s/Francisco M. López-Romo
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